REMARKS/ARGUMENTS

I. Introduction:

The courteous telephone interview granted applicants' undersigned attorney by Examiner Phoc Nguyen is hereby respectfully acknowledged. The cited references and proposed amendments to the claims were discussed.

Claims 1 and 20 are amended and claims 40-41 are added herein. With entry of this amendment, claims 1, 3-21, 23-30, and 38-41 will be pending.

II. Claim Rejections Under 35 U.S.C. 103:

Claims 1, 3, 5-7, 10, 12-21, 23-26, 29-30, and 38-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,178,449 (Forman et al.) in view of U.S. Patent No. 6,286,046 (Bryant).

Applicants respectfully submit that claims 1 and 20, and claims depending therefrom are patentable over the prior art of record, including Forman et al. and Bryant. Independent claims 1 and 20 call for the use of a previously recorded transaction between a user machine and an information source. Claims 1 and 20 have been amended to specify that the performance measurements comprise download time of data during the transaction and include browser execution time, and that simulating the transaction comprises updating state information on a web page.

As noted by the Examiner, Forman et al. fail to teach continuing the transaction between the information source and the data acquisition agent by simulating a transaction previously recorded by a user machine. Forman et al. describe how straightforward application transactions between a client and server are measured and recorded. "The actual measurement and recording of transaction times occurs in steps

726-734...." Col. 10, lines 16-17. "The method of monitoring transaction times using the computer system of Figs. 4-6 is represented in a flow diagram of FIG. 7....The client application instance 710 corresponds to one of the client applications, such as client application 1 (414) or 3 (434) of FIG. 4." Col. 9, lines 44-51.

Bryant discloses a method and system of recording and measuring e-business sessions on the Web. The system uses a monitor located between a Web browser and a server. The monitor records a set of URLs that issue from the Web browser during an interactive session between the user of the client machine and the server application. The URL request list trace is then used to benchmark the server application by supplying information as an input to a set of HTTP submitter routines which simulate a user of a client machine connected to the server application. Each routine then replays the interactive session recorded by the monitor so that the overall performance of the server application against multiple simulated users can be evaluated.

In contrast to applicant's invention, Bryant records a transaction at a monitor installed between the browser and the server that implements an e-business application. All requests that would normally be sent from the browser to the server are sent to the monitor. The monitor forwards the requests to the server and receives responses from the server. Responses from the server are then returned from the monitor to the browser. Bryant measures data before it is returned to the browser so that measurements do not include the speed with which the browser executes on the user computer (col. 5, lines 26-43 and col. 10, lines 41-46). Because the monitor in Bryant does not render Web pages, times consumed on the client to do such rendering or other browser specific functions are not included in the response times measured by the monitor. In contrast to Bryant, applicants' invention creates a recording directly at the user computer which is using a Web browser, so that the actual performance experienced by the user can be monitored when the recorded transaction is played back at an agent acting as a user computer. Since the recording is made at the user computer which is permitted to interact with the information source, performance measurements can be made on parameters such as time to download a full web page, since this time is

included in the recording and the playback of the recording to monitor performance measurements.

Furthermore, neither Forman et al. nor Bryant show or suggest simulating a transaction by updating state information on a web page and linking web pages together.

Accordingly, claims 1 and 20 are submitted as patentable over Forman et al. and Bryant.

Claims 3, 5-7, 10, 12-19, and 38-41, depending from claim 1, and claims 21, 23-26, 29, and 30, depending from claim 20, are submitted as patentable for the same reasons as claims 1 and 20. Furthermore, it is evident that some, if not all, of these dependent claims are allowable in their own right and further illustrate the differences between the cited references and the applicants' invention.

The other references cited, including U.S. Patent No. 6,438,592 (Killian), do not remedy the deficiencies noted above for the Forman et al. and Bryant references.

III. Conclusion:

Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

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